IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

RPFC.No. 39 of 1999()

MC.313/1998 of FAMILY COURT, KOZHIKODE, DT.12.2.99.
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REVISION PETITIONER/ RESPONDENT :

CHANDRASEKHARAN,
AGED 38 YEARS, S/O.ANDIKKUTTY,
P.T.HOUSE, (VALIYIL), ELATHUR AMSOM DESOM.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT: PETITIONER

JEMINI, AGED 32 YEARS,
D/O.APPUTTY, VALAKKATTUMMAL VEEDU,
MAKKADA AMSOM DESOM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
BY ADV. SRI.K.A.SALIL NARAYANAN

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RP(FC) 39/1999

ORDER ON CMP. NO.1902/1999 IN RP(FC)39/1999

DISMISSED

27.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

R.P(FC) 39 of 1999

Dated 27th June, 2007

ORDER

The revision petitioner is the respondent in M.C.313/98 in the file of the Family court, Kozhikode in the proceedings initiated under section 125 Cr.P.C. It is the case of the petitioner in the M.C (wife) that the respondent married her on 25-5-97 as per the Hindu customary rites and that she was residing along with the respondent in his house wherein his brother, wife of the brother and the unmarried sister of the husband were also residing. According to her she used to be subjected to ill-treatment by the respondent and his unmarried sister demanding dowry. Hence she was forced to leave the matrimonial home and started to live with her parents. It is alleged that the respondent is a hotel employee at Kuttippuram and earning Rs.125/- per day. She claimed maintenance at the rate of Rs.500/- per month. On the other hand, the respondent has denied the allegations of ill-treatment.

Accoridng to him, the petitioner was taken to her parental home by her sister's husband and others and thereafter she did not return to him . According to him, his daily income is only Rs.30/-.

2. The evidence adduced in the matter consisted of the testimony of PW-1, the petitioner, and R.W-1, the respondent and R.W-2 , the sister in law of the respondent.

3. On a consideration of the evidence adduced in the matter, the court below upheld the case of the petitioner that her separate residence is fully justifiable. In the absence of any objective evidence regarding the income of the respondent, the court below calculated the income as not less than Rs.2000/- per month and ordered maintenance at the rate of Rs.500/- per month. In the light of the evidence adduced in the matter, and the findings of the court below, I find no reason to interfere in the order of the court below.

The same is confirmed. The R.P(F.C) is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

R.P.FC 39 OF 1999

ORDER

27-6-2007.